

In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17079 of 2006

Date of Decision: 30.10.2006

Balwinder Singh

...Petitioner

Versus

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Arun Singal, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The challenge in this petition is to the order dated 22.7.2006 (P-3) passed by the Revisional Authority, namely, Deputy Inspector General, North Zone, Central Industrial Force. The petitioner was charge sheeted and on an inquiry he was found guilty of Charge No. 2, which was to the effect that the petitioner was involved in a case of a theft of Government property and was kept in police/judicial custody from 14.3.2005 to 16.3.2005 in case FIR No. 25, dated 13.2.2005, registered under Sections 457 and 380 IPC,

Police Station Madlauda, District Panipat. It was alleged that the arrest of a member of Armed Force and registration of a criminal case against him was indicative of indiscipline and irresponsibility which damaged the reputation of the force. However, the Revisional Authority i.e. Deputy Inspector General, North Zone, exercising the powers under Section 54 of the Central Industrial Force Service Rules, 2001 (for brevity, 'the Rules'), found that the inquiry has not been conducted in accordance with the Rules. It is appropriate to mention that under Rule 54 of the Rules, the Revisional Authority is empowered to requisition record of any case and pass any order in accordance with the Rules. It has been found by the Revisional Authority that - (a) the inquiry was not conducted in accordance with the Rules as the documents depicted in Annexure-III appended to the charge sheet dated 29.4.2005 were not shown to the petitioner; (b) the statement of accused in defence was not recorded; and (c) the copies of documents exhibited were not given to the accused. Keeping in view the aforementioned defects and exercising power under Rule 54 of the Rules, the punishment given by the Disciplinary Officer was set aside by the Revisional Authority and de novo inquiry against the petitioner was ordered from the stage of appointment of Enquiry Officer and Presenting Officer. The Disciplinary Officer was to decide the suspension period from 13.2.2005 to 12.8.2005 in the final order.

We have heard learned counsel at some length. He has not been able to point out any legal or factual defect in the impugned

order warranting exercise of jurisdiction under Article 226 of the Constitution. Even otherwise, we find that the impugned order is favourable to the petitioner in more than one way. All the three grounds constituting the basis of de novo inquiry are aimed at removing the prejudice which might have been caused to the case of the petitioner. The punishment has been set aside and the petitioner after affording of due opportunity of hearing is to face the inquiry again, which is in accordance with the letter and spirit of Rule 54 of the Rules. Therefore, there is no merit in the instant petition. Accordingly, the same is dismissed.

(M.M. KUMAR)
JUDGE

October 30, 2006
Pkapoor

(M.M.S. BEDI)
JUDGE